

**MINUTES
City of Pomona
Successor Agency Oversight Board
Special Meeting
April 26, 2012
9:30 a.m.**

Pomona City Council Chambers

505 S.Garey Avenue, Pomona

Board Members Present

Leslie Barnes, Board Member
Mike Gregoryk, Board Member
Gerry Hertzberg, Board Member
Elliott Rothman, Vice Chair
Bruce Saito, Board Member
Carrie Sutkin, Chair

Vacant Seats: Representative from the City of Pomona

Staff Members Present

Linda Lowry, City Manager
Arnold Alvarez-Glasman, City Attorney
Paula Chamberlain, Director of Finance
Raymond Fong, Director of Redevelopment
Marie Michel Macias, City Clerk
Ati Eskandari, City Engineer

Members of the Public

Judy Whitehurst, Los Angeles County Counsel
Cecilia Estolano, Los Angeles County Consultant
Edward Kopkin, Private Attorney

1. OATH OF OFFICE

The Oath of Office was administered to all Board Members present by the City Clerk.

2. CALL TO ORDER

A) Roll Call by the City Clerk

The Roll Call was taken by the City Clerk.

B) Pledge of Allegiance

The Pledge of Allegiance was led by the City Clerk.

3. ELECTION OF CHAIR AND VICE CHAIR , APPOINTMENT OF EXECUTIVE DIRECTOR; AND DESIGNATION OF CONTACT OFFICIAL

A) Elect a Chairperson for the Oversight Board.

The floor was open for nominations for Chairperson. On motion of Board Member Hertzberg, seconded by Board Member Saito, Board Member Sutkin was unanimously voted as the Chairperson of the Pomona Oversight Board.

B) ELECT A VICE CHAIRPERSON FOR THE OVERSIGHT BOARD

The floor was open for nominations for Vice Chairperson. On motion of Board Member Gregoryk, seconded by Board Member Saito, Board Member Rothman was unanimously voted as Vice Chairperson of the Pomona Oversight Board.

C) APPOINT THE POMONA CITY MANAGER AS THE EXECUTIVE DIRECTOR OF THE OVERSIGHT BOARD

On motion of Board Member Hertzberg, seconded by Board Member Saito, carried by unanimous vote of the members present (6-0), the Board approved the appointment of Linda Lowry, Pomona City Manager, as the Executive Director of the Oversight Board.

D) DESIGNATE THE POMONA FINANCE DIRECTOR AS THE DESIGNATED CONTACT TO THE DEPARTMENT OF FINANCE

Following discussion, Board Member Hertzberg made a friendly amendment to include that a log be maintained by City Staff on inquiries to the Department of Finance. On motion of Board Member Saito, seconded by Chair Sutkin, the Board unanimously approved the motion as amended to designate Paula Chamberlain, Director of Finance as the contact to the Department of Finance.

E) ADOPTION OF RESOLUTION NO. OB 2012-01 CONFIRMING THE ELECTION OF A CHAIRPERSON AND VICE CHAIRPERSON, APPOINTING AN EXECUTIVE DIRECTOR, AND DESIGNATING A CONTACT FOR THE CALIFORNIA DEPARTMENT OF FINANCE (DOF), AND TRANSMITTING THE INFORMATION TO THE DOF.

On motion of Chair Sutkin, seconded by Board Member Gregoryk, carried by unanimous vote of the members present (6-0), the Board approved the adoption of Resolution No. OB 2012-01..

4. ADOPTION OF NAME; REGISTRATION WITH THE SECRETARY OF STATE

On motion of Board Member Gregoryk, seconded by Board Member Hertzberg carried by unanimous vote of the members present (6-0), the Board approved the adoption of Resolution No. OB 2012-02 naming the Oversight Board as the "Pomona Successor Agency Oversight Board" and authorizing the Oversight Board Secretary to register the Board with the California Secretary of State.

5. PUBLIC COMMENT

Edward Kopkin, Attorney, spoke with regard to Agenda Item No. 11, and asked

the Board to consider utilizing his legal services.

Cecilia Estolano, County Legal Counsel, spoke with regard to Agenda Item No. 8, and provided suggestions of items on the Recognized Obligation Payment Schedule that the Board may need to review in detail and if needed request additional explanation or documentation.

6. DATE AND TIME FOR FUTURE MEETINGS

Following discussion, on motion of Vice Chair Rothman, seconded by Board Member Hertzberg, carried by unanimous vote of the members present (6-0), the Board approved that the Board meet on the fourth Thursday of every month at 9:30 a.m. in the Pomona City Council Chambers. It was noted that special meetings could be scheduled as needed.

7. APPROVAL OF RESOLUTION ADOPTING BYLAWS

On motion of Board Member Hertzberg, seconded by Board Member Gregoryk, carried by unanimous vote of the members present (6-0), the Board adopted Resolution No. OB 2012-03 approving Bylaws for the Oversight Board in the form attached as Exhibit "A" to the Resolution.

8. RECOGNIZED OBLIGATION PAYMENT SCHEDULE

A) REVIEW AND APPROVE RESOLUTION NO. OB 2012_ APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE(ROPS) FOR THE PERIOD OF JANUARY 1, 2012 THROUGH JUNE 30, 2012;

The Board requested that staff report back at the June meeting with a summary of strategies for disposition of assets.

The Board reviewed the ROPS as follows:

Section A: On motion of Board Member Gregoryk, seconded by Chair Sutkin, carried by unanimous vote of the members present (6-0), Section A was approved, with the exception of Line Item 13. The Board requested additional information on Line Item 13 Project Name: Direct Project Management Cost, Payee: Various. The Board also requested that staff provide more detail for items under the Payee section of the ROPS that state "Various."

Section B: On motion of Board Member Hertzberg, seconded by Board Member Gregoryk, carried by unanimous vote of the members present (6-0), Section B was approved.

Section C: The Board requested additional information on Section C, with a specific request for Staff Reports Line Item 1 Project Name, Direct Project Management Cost, Payee: Various, Line Item 3, Project Name: Walgreen Company, Payee: Walgreen Company, Line Item 8, Project Name: Pomona Brewery, Payee: Pomona Brewery, Line Item 9, Project Name: Thomas Group, Payee: Thomas Group, Line Item 11, Project Name: Mission Promenade, Payee:

Mission Promenade LLC, Line Item 14, Project Name: Target Center, Payee: Various, Line Item 15, Project Name: Target Center (Operational), Payee: Various, and Line Item 17, Project name: Guadalajara Supermarket, Payee: Guadalajara Supermarket. Approval of Section C was continued for one week.

Section D: On Motion of Board Member Gregoryk, seconded by Board Member Saito, carried by unanimous vote of the members present (6-0), Section D was approved, with the exception of Line Item 4, Project Name: Employees MOU Obligations, Payee: Various, and Line Item 5, Project Name: Oversight Board Expense, Payee: Various. The Board requested a staff report for Line Items 4 and 5.

Section E: The Board requested additional information on Section E, Line Item 1, Project Name: Claims Exp, Payee: Various, Line Item 2 Project Name: Claims Exp, Payee: Various, Line Item 3, Project Name: Claims Exp, Payee: Various and Line Item 4, Project Name OPEB, Payee: Various. The Board requested that the Payees for Line Items 1, 2, 3, and 4 be itemized. This section was continued to the next meeting.

Section F: On Motion of Board Member Hertzberg, seconded by Chair Sutkin, carried by unanimous vote of the members present (6-0), Section F was approved with the exception of Line Item 1, Project Name: Direct Project Management Cost, Payee: Various, Line Item 2, Project Name: Fleet Operation, Payee: Various, and Line Item 3, Project Name Redevelopment Property Maintenance, Payee: Various. The Board requested various gas and utility vendor listings and addresses of properties receiving services and a listing of vehicle maintenance costs.

Section G: The Board suggested that Line Item 5, Project Name: Property Maintenance, Payee: WSR Sales & Management, Line Item 6, Project Name: Property Maintenance, Payee: Dewey Pest Control, Line Item 7, Project Name: Property Maintenance, Payee: Handyman Contractor, Line Item 8, Project Name: Property Maintenance, Payee: Ramos Landscape, Line Item 9, Project Name: Property Maintenance, Payee: Various, Line Item 10, Project Name: Property Maintenance, Payee: Burtec Disposal, and Line Item 11, Project Name: Property Maintenance, Payee: Waste Management, be removed from Section G. The Board requested a staff report for Line Item 2, Project Name: Lead Match, Payee: Various, Line Item 3: Project Name: Abate Hazardous Buildings, and Line Item 4, Project Name Neighborhood Improvement Prog, Payee: Various. This section was continued to the next meeting.

Section H: On Motion of Board Member Hertzberg, seconded by Chair Sutkin, carried by unanimous vote of the members present (6-0), Section H was approved.

Section I: On Motion of Board Member Gregoryk, seconded by Board Member Barnes, carried by unanimous vote of the members present (6-0-1-0) Hertzberg absent, Section I was approved with the exception of Line Item 1, Project Name: Direct Project Management Cost, Payee: Various. The Board requested a staff report for Line Item 1.

Section J: The Board requested a staff report for all line items in Section J. The section was continued until the next meeting.

Section K: The Board requested a staff report for all line items in Section K. The section was continued until the next meeting.

B) REVIEW AND APPROVE RESOLUTION NO. OB 2012_ APPROVING THE ROPS FOR THE PERIOD OF JULY 1, 2012 THROUGH DECEMBER 31, 2012;

On Motion of Board Member Gregoryk, seconded by Vice Chair Rothman, carried by unanimous vote of the members present (6-0-1-0) Hertzberg absent, the ROPS was amended as followed: Move Section G Line Item 1, Project Name: Direct Project Management Cost to Section F-Property Disposition Project Cost.

C) DIRECT SUCCESSOR AGENCY STAFF TO TRANSMIT THE APPROVED ROPS DOCUMENTS TO THE LOS ANGELES COUNTY AUDITOR CONTROLLER, THE STATE CONTROLLER, AND THE STATE DEPT. OF FINANCE.

This item was continued to May 3, 2012.

9. SUCCESSOR AGENCY ADMINISTRATIVE BUDGET

A) APPROVE RESOLUTION NO. OB 201204 APPROVING THE SUCCESSOR AGENCY ADMINISTRATIVE BUDGET FOR FEBRUARY 1, 2012 THROUGH JUNE 30, 2012;

Following discussion, on Motion of Board Member Gregoryk, seconded by Board Member Hertzberg, and carried by unanimous vote of the members present (6-0), the item was approved pending verification that the budget was within the percentage allotted (5%).

B) APPROVE RESOLUTION NO. OB 2012_ APPROVING THE SUCCESSOR AGENCY ADMINISTRATIVE BUDGET FOR JULY 1, 2012 THROUGH DECEMBER 31, 2012.

This item was continued to May 3, 2012.

10. HOUSING SUCCESSOR AGENCY

Linda Lowry, Executive Director, stated that in conformance with AB1X26, the housing functions of the former Redevelopment Agency and all real estate assets had been transferred to the Pomona Housing Authority by Resolution No. 2012-16, adopted on January 30, 2012. She advised that no additional action was required from the Oversight Board. This item was received and filed by consensus of the Oversight Board.

11. SELECTION OF OVERSIGHT BOARD LEGAL COUNSEL

Chair Sutkin invited Judy Whitehurst, Los Angeles County Counsel, and Arnold Alvarez-Glasman, City Attorney to provide input regarding legal counsel for the Oversight Board.

Board Member Gregoryk stated that he was also a member of other Oversight Boards, and suggested that the Board retain their own counsel. He expressed his support for a Request for Qualifications (RFQ) process.

Vice Chair Rothman suggested that an RFQ be sent out immediately so that action could be taken at the next meeting. Board members reiterated that the City's Legal Counsel and Los Angeles County Counsel were not able to represent the Board.

Following discussion, on motion of Board Member Gregoryk, seconded by Board Member Hertzberg, carried by unanimous vote of the members present (6-0), the board unanimously directed staff to solicit RFQ's from legal firms and bring at least three qualified proposals, based on experience and hourly rates, for consideration as soon as reasonably possible and report back to the Oversight Board at the next meeting.

12. REAL PROPERTY ASSETS OF SUCCESSOR AGENCY: MISSION BOULEVARD AND SR 71 GRADE SEPARATION, PROJECT NO. 418-67716

Linda Lowry, Executive Director, stated that in conformance with AB1X26, the Oversight Board shall direct the Successor Agency to dispose of assets and properties of the former Redevelopment Agency, and that the law provides that the Oversight Board may instead direct the Successor Agency to transfer ownership of assets that were constructed and used for governmental purposes to the appropriate jurisdiction.

Ati Eskandari, City Engineer, provided clarification on the project areas and answered questions posed by the Board. On motion of Chair Sutkin, seconded by Board Member Barnes, carried by unanimous vote of the members present (6-0), the Board adopted Resolution No. OB 2012-05, approving the transfer of certain real property right-of-way and access easements to the State of California for implementation of the "71" Freeway.

13. FUTURE ITEMS FOR CONSIDERATION

- A) Approval of Resolution No. OB 2012_ approving the ROPS for the period of July 1, 2012 through December 31, 2012; and
- C) Approval of Resolution No. OB 2012_ approving the Successor Agency Administrative Budget for July 1, 2012 through December 31, 2012.
- D) Report back from staff on the RFQ process for Legal Counsel for the Oversight Board.
- E) Report back from staff on summary of strategies for disposition of assets to be place on the June agenda.

14. ADJOURNMENT

The meeting was adjourned at 11:33 a.m. to a Special Meeting on May 3, 2012 at 9:30 a.m. in the City Council Chambers, 505 South Garey Avenue, Pomona.

Marie Michel Macias, Clerk

ATTEST:

Carrie Sutkin, Chairperson